

**REMARKS**

In the Office Action of June 9, 2008, claims 1-21, 32-34 and 38-44 were withdrawn, and claims 23-28, 36 and 52-66 were rejected. The above amendments cancel claims 26-28, 52-55 and 66, amend the only remaining independent claim 36 and several dependent claims, and add three new dependent claims 67-69.

**Claim Rejections – 35 USC § 103**

Original claims 23-28, 36 and 52-66 were rejected as being unpatentable under 35 U.S.C. § 103(a) over Do et al. U.S. Patent No. 6,775,076 (“the ‘076 patent”). By the present amendment, the only remaining independent claim 36 has been amended to clearly distinguish applicant’s invention from the newly cited ‘076 patent by requiring the positive act of “aligning said optical beam by controlled rotational movement of said optical alignment element relative to said mounting surface while said journal surface engages said curved surface of said optical alignment element.” The ‘076 patent is concerned with fixing optical components precisely and rigidly to an optical bench, not with aligning an optical beam. In particular, the ‘076 patent does not relate to aligning an optical beam by rotational movement of an optical alignment element located in the path of an optical beam to be aligned.

The ‘076 patent discloses a pair of semi-cylindrical supports 54 and 56 for receiving a collimator 20 and an optical assembly, respectively. The optical assembly includes a second collimator 32, an optical isolator 34, a lens assembly 36 and a fiber ferrule 38. Both the collimator 20 and the optical assembly, or their frames, have a radius of curvature that matches that of the corresponding support 54 or 56. The matching cylindrical surfaces are said to allow “for rotation of the components about the optical axis during the initial setting of the components.” This rotational movement has nothing to do with the manipulation of an optical beam in order to *align the beam*. The alignment sought in the ‘076 device is alignment of the physical components, not an optical beam. Indeed, the description of the ‘076 patent in the Office Action refers only to the use of “relative rotation” to align the physical components in the supports 54 and 56 (such as components 20, 34, 36 and 38 (see, e.g., para. 1 of the Office Action).

There is no suggestion anywhere in the ‘076 patent to use rotational movement of the components mounted in either of the semi-cylindrical supports 54 or 56 to align an *optical beam*.

Indeed, It appears that all the components mounted in those supports are intended to have the same properties around the entire 360 degrees around the longitudinal axis of the cylinder, and thus rotation of these components would not appear to have any effect on the alignment of an optical beam in any event. Thus, it is respectfully submitted that the amended claim 36 now presented in this application not only distinguishes over the '076 patent, but also is directed to a problem that is not addressed in any way in the '076 patent. The invention as now claimed could not have been rendered obvious by the disclosure found in the '076 patent.

Dependent claims 24 and 69 further require a journal surface that permits beam alignment by translation of the optical alignment element. The '076 patent mentions "translational adjustments, but not for beam alignment.

Dependent claims 56-60 further require that the controlled rotational movement of the alignment element be effected by one or more actuators coupled to the alignment element, which is not disclosed or suggested by the '076 patent.

Dependent claims 61-65 further require that the curved surface of the alignment element be formed by a spherical lens, which again is not disclosed in the '076 patent.

Dependent claim 67 further requires the use of a second optical alignment having a curved surface engaging a second journal surface for aligning the beam, which is also not disclosed in the '076 patent.

### **Conclusion**

Applicant respectfully submits that the amended claims are in condition for allowance. If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is respectfully requested to contact Applicant's undersigned attorney at the number indicated.

It is believed that no additional fees are presently due; however, should any additional fees be required (except for payment of the issue fee), the Commissioner is authorized to deduct the fees from Deposit Account No. 50-4181/269005-000002USPX for any fees inadvertently omitted which may be necessary now or during the pendency of this application, except for the issue fee.

Dated: August 22, 2008

Respectfully submitted,

By: Stephen G. Rudisill, Reg. No. 20.087/

Stephen G. Rudisill

Registration No.: 20,087  
NIXON PEABODY LLP  
161 N. Clark Street, Ste. 4800  
Chicago, Illinois 60601  
(312) 425-3900  
Attorneys For Applicant